



WWW.CONNECTEDNATION.COM

444 NORTH CAPITOL ST  
SUITE 224  
WASHINGTON, DC 20001  
1-877-846-7710

## EX PARTE

March 12, 2008

VIA eCFS  
Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

RE: WC Docket No. 07-38, Development of Nationwide Broadband Data to Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans, Improvement of Wireless Broadband Subscribership Data, and Development of Data on Interconnected Voice over Internet Protocol Subscribership; Ex Parte Presentation

Dear Ms. Dortch:

On Monday, March 9, 2008 the undersigned and Raquel Noriega, of Connected Nation, Inc., met with John Hunter, Special Counsel – Wireline in Commissioner McDowell's office. On Tuesday, March 10, 2008 the undersigned and Raquel Noriega, of Connected Nation, Inc., met with Scott Deutchman, Legal Advisor in Commissioner Copps' office, and Chris Moore, Legal Advisor in Commissioner Tate's office. On Wednesday, March 12, 2008 the undersigned and Raquel Noriega, of Connected Nation, Inc., met with Scott Bergmann, Senior Legal Advisor and Legal Advisor for Wireline Issues in Commissioner Adelstein's office, and Ian Dillner, Legal Advisor for Wireline Issues in Chairman Martin's office. All meetings were held with regard to the above proceeding. During these meetings, Connected Nation presented views consistent with its previously filed written submission in this proceeding.

Connected Nation supports efforts by the Commission to improve the data it collects on broadband services. However, it is important that in doing so, the Commission does not hamper or undermine broadband initiatives that are being undertaken by state and local governments, particularly through public-private partnerships. Connected Nation is an active participant in state and local public-private partnerships, and we discussed how Connected Nation produces GIS broadband coverage maps in these state and local programs. The purpose for the creation of these maps is to identify broadband coverage gaps on a statewide basis in order to close those gaps. To create these maps, Connected Nation obtains confidential network information from broadband service providers typically pursuant to a non-disclosure agreement, and Connected Nation aggregates that information into an important and useful form for state policymakers and local community leaders.

Additionally, Connected Nation stressed the purpose driven nature of the GIS broadband coverage maps produced in its statewide programs, and that the purpose for the creation of these maps is to identify broadband coverage gaps on a statewide basis in order to spur deployment into unserved areas. Connected Nation broadband inventory maps have been effective tools because they have been designed with this purpose in mind. These maps are not themselves a goal; they are a tool to enable targeted strategies for broadband expansion and digital inclusion efforts.

This information and the resulting GIS maps are critical to the success of programs like ConnectKentucky and Connected Tennessee because they are the starting point for grassroots local initiatives. The successes and economic benefits measured in Kentucky as a result of Connected Nation's Kentucky initiative, ConnectKentucky, are the combined results of work enabled by the broadband mapping undertaken in that state, in concert with extensive research and local, grassroots work that increased local involvement in, demand for, and adoption of high-speed Internet services. To be effective, the information in our GIS maps is highly detailed and technical, detail that we could not obtain without the cooperation of broadband service providers.

As a result, we urge that the Commission not adopt broadband reporting rules that would make it more difficult for Connected Nation and similar public-private partnerships to obtain broadband network availability information from broadband service providers. We share the Commission's goal in working toward universal availability of broadband service throughout the United States—indeed, that goal is Connected Nation's central purpose. Dozens of states are exploring similar public-private programs and it is important that the Commission not unwittingly stall this momentum by making it more difficult to obtain this information or provide a disincentive for broadband providers to participate in these state and local public-private initiatives.

For example, in addition to Kentucky, there are Connected Nation initiatives underway in Tennessee, Ohio, South Carolina, and West Virginia. Additionally, legislation that would create or promote broadband initiatives has passed or is being considered in Alaska, Alabama, Massachusetts, Washington, Pennsylvania, Maryland, Minnesota, Connecticut, New York, and Illinois. Broadband task forces are active in South Carolina, Hawaii, Arkansas, California, and Missouri. Finally, North Carolina, Maine, Vermont, and New Hampshire also have active broadband initiatives.

Indeed, there is growing bipartisan momentum in the United States Congress for legislation that would endorse and enable statewide broadband initiatives and that also recognizes the important role that non-profit public-private partnerships focused upon both on the supply and demand for broadband services can play.

For example, S. 1492, the Broadband Data Improvement Act, H.R. 3919, the Broadband Census of America Act, which was passed by the U.S. House of Representatives on November 13, 2007, and S. 1190, the Connect the Nation Act, which was passed by the U.S. Senate as part of the Farm Bill, all are in the final stages of Congressional action. We discussed the interplay between potential FCC data reporting rules and those bills, in particular S. 1190 and H.R. 3919, both of which are attached to this letter.

This letter is being filed electronically pursuant to Section 1.1206(b) of the Commission's rules.  
Please direct any questions about this filing to the undersigned.

Sincerely,

A handwritten signature in black ink, reading "Phillip K. Brown". The signature is written in a cursive, flowing style with a large initial "P".

Phillip K. Brown  
National Policy Director

cc: John Hunter  
Scott Deutchman  
Chris Moore  
Ian Dillner  
Scott Bergmann

***In the Senate of the United States,***

*December 14, 2007.*

*Resolved,* That the bill from the House of Representatives (H.R. 2419) entitled “An Act to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.”, do pass with the following

. . .

***TITLE VI—RURAL DEVELOPMENT AND INVESTMENT***

. . .

***Subtitle C—Connect the Nation Act***

*SEC. 6201. SHORT TITLE.*

*This subtitle may be cited as the “Connect the Nation Act”.*

*SEC. 6202. GRANTS TO ENCOURAGE STATE INITIATIVES TO IMPROVE BROADBAND SERVICE.*

*(a) DEFINITIONS.—In this section:*

*(1) BROADBAND SERVICE.—The term “broadband service” means any service that connects the public to the Internet with a data transmission rate equivalent that is at least 200 kilobits per second or 200,000 bits per second, or any successor transmission-rate established by the Federal Communications Commission for broadband, in at least 1 direction.*

*(2) ELIGIBLE ENTITY.—The term “eligible entity” means a nonprofit organization that, in conjunction with State agencies and private sector partners, carries out an initiative under the section to identify and track the availability and adoption of broadband services within States.*

*(3) NONPROFIT ORGANIZATION.—The term “nonprofit organization” means an organization that—*

*(A) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of that Code;*

*(B) has net earnings that do not inure to the benefit of any member, founder, contributor, or individual associated with the organization;*

*(C) has an established record of competence and working with public and private sectors to accomplish widescale deployment and adoption of broadband services and information technology; and*

*(D) has a board of directors that does not have a majority of individuals who are employed by, or otherwise associated with, any Federal, State, or local government or agency.*

*(4) SECRETARY.—The term “Secretary” means the Secretary of Commerce.*

*(b) PROGRAM.—The Secretary shall award grants to eligible entities to pay the Federal share of the cost of the development and implementation of statewide initiatives to identify and track the availability and adoption of broadband services within States.*

*(c) PURPOSES.—The purpose of a grant made this section shall be—*

*(1) to ensure, to the maximum extent practicable, that all citizens and businesses in States have access to affordable and reliable broadband service;*

*(2) to promote improved technology literacy, increased computer ownership, and home broadband use among those citizens and businesses;*

*(3) to establish and empower local grassroots technology teams in States to plan for improved technology use across multiple community sectors; and*

*(4) to establish and sustain an environment that supports broadband services and information technology investment.*

*(d) ELIGIBILITY.—To be eligible to receive a grant for an initiative under this section, an eligible entity shall—*

*(1) submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require; and*  
*(2) provide matching non-Federal funds in an amount that is equal to not less than 20 percent of the total cost of the initiative.*

*(e) COMPETITIVE BASIS.—Grants under this section shall be awarded on a competitive basis.*

*(f) PEER REVIEW.—*

*(1) IN GENERAL.—The Secretary shall require technical and scientific peer review of applications for grants under this section.*

*(2) REVIEW PROCEDURES.—The Secretary shall require that any technical and scientific peer review group—*

*(A) be provided a written description of the grant to be reviewed;*

*(B) provide the results of any review by the group to the Secretary; and*

*(C) certify that the group will enter into such voluntary nondisclosure agreements as are necessary to prevent the unauthorized disclosure of confidential and propriety information provided by broadband service providers in connection with projects funded by a grant under this section.*

*(g) USE OF FUNDS.—A grant awarded to an eligible entity under this section shall be used—*

*(1) to provide a baseline assessment of broadband service deployment in 1 or more participating States;*

*(2) to identify and track—*

*(A) areas in the participating States that have low levels of broadband service deployment;*

*(B) the rate at which individuals and businesses adopt broadband service and other related information technology services; and*

*(C) possible suppliers of the services;*

*(3) to identify barriers to the adoption by individuals and businesses of broadband service and related information technology services, including whether—*

*(A) the demand for the services is absent; and*

*(B) the supply for the services is capable of meeting the demand for the services;*

*(4) to create and facilitate in each county or designated region in the participating States a local technology planning team—*

*(A) with members representing a cross section of communities, including representatives of business, telecommunications labor organizations, K–12 education, health care, libraries, higher education, community-based organizations, local government, tourism, parks and recreation, and agriculture; and*

*(B) that shall—*

*(i) benchmark technology use across relevant community sectors;*

*(ii) set goals for improved technology use within each sector; and*

*(iii) develop a tactical business plan for achieving the goals of the team, with specific recommendations for online application development and demand creation;*

*(5) to work collaboratively with broadband service providers and information technology companies to encourage deployment and use, especially in unserved, underserved, and rural areas, through the use of local demand aggregation, mapping analysis, and the creation of market intelligence to improve the business case for providers to deploy;*

*(6) to establish programs to improve computer ownership and Internet access for unserved, underserved, and rural populations;*

*(7) to collect and analyze detailed market data concerning the use and demand for broadband service and related information technology services;*

*(8) to facilitate information exchange regarding the use and demand for broadband services between public and private sectors; and*

*(9) to create within the participating States a geographic inventory map of broadband service that shall—*

*(A) identify gaps in the service through a method of geographic information system mapping of service availability at the census block level; and*

*(B) provide a baseline assessment of statewide broadband deployment in terms of households with high-speed availability.*

*(h) PARTICIPATION LIMITATION.—For each participating State, an eligible entity may not receive a new grant under this section to carry out the activities described in subsection (g) within the participating State if the eligible entity obtained prior grant awards under this section to carry out the same activities in the participating State for each of the previous 4 fiscal years.*

*(i) REPORT.—Each recipient of a grant under this section shall submit to the Secretary a report describing the use of the funds provided by the grant.*

*(j) NO REGULATORY AUTHORITY.—Nothing in this section provides any public or private entity with any regulatory jurisdiction or oversight authority over providers of broadband services or information technology.*

*(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$40,000,000 for each of fiscal years 2008 through 2012.*



HR 3919 RFS

110th CONGRESS  
1st Session  
**H. R. 3919**  
**IN THE SENATE OF THE UNITED STATES**

**November 14, 2007**

Received; read twice and referred to the Committee on Commerce, Science, and Transportation

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**AN ACT**

To provide for a comprehensive nationwide inventory of existing broadband service, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the `Broadband Census of America Act of 2007'.

**SEC. 2. CENSUS OF BROADBAND SERVICE DEPLOYMENT.**

(a) Duty to Collect and Report-

(1) ANNUAL ASSESSMENT AND REPORT- The Commission shall, on an annual basis, conduct an assessment and publish a report on the nature and deployment of, and subscription to, broadband service capability throughout the States.

(2) BANDWIDTH SERVICE TIERS- The Commission shall designate bandwidth service tiers by identifying tiers of increasing data transmission speeds of broadband service capability that will provide useful information about the nature and extent of deployment of broadband service capability. At a minimum, the tiers in the aggregate shall encompass all data transmission speeds deployed, and shall consist of multiple combinations of upstream and downstream data transmission speeds. Each tier shall be designated, to the extent possible, to correspond to the ability to support qualitatively different applications and services, which the Commission shall also identify.

(3) INFORMATION COLLECTION- The Commission shall collect, or provide for the collection of, information from all commercial and public providers of broadband service capability under its jurisdiction in each State. Such information shall include--

(A) for each area encompassed by a United States postal zip code of the 5 digit level--

(i) information concerning the types of technology used to provide broadband service capability in such area;

(ii) the tiers designated under paragraph (2) used to provide such capability in such area; and

(iii) the actual number of residential subscribers and the actual number of business subscribers in such area; and

(B) for each State, the actual number of residential subscribers and the actual number of business subscribers for each tier of service designated under paragraph (2).

(4) INFORMATION REPORTED- In the annual report required by paragraph (1), the Commission shall provide to the public--

(A) for each area encompassed by a United States postal zip code of the 5 digit level--

(i) a list of the types of technology used to provide such capability in such area; and

(ii) the actual number of residential subscribers and the actual number of business subscribers to broadband service capability in such area, each in the aggregate; and

(B) for each State, the actual number of residential subscribers and the actual number of business subscribers for each tier of service designated under paragraph (2), each in the aggregate.

(b) Evolution of Assessment- The Commission shall periodically review both the bandwidth service tiers and the types of technology utilized in its assessment under subsection (a) to take into account changes in technology and marketplace conditions.

(c) International Comparison-

(1) INTERNATIONAL COMPARISON- As part of the assessment and report required by this section, the Commission shall include information comparing the extent of broadband service capability (including data transmission speeds and price for broadband service capability) in a total of 75 communities in at least 25 countries abroad for each of the tiers designated pursuant to subsection (a)(2).

(2) CONTENTS- The Commission shall choose communities for the comparison under this subsection in a manner that will offer, to the extent possible, communities of a population size, population density, topography, and demographic profile that are comparable to the population size, population density, topography, and demographic profile of various communities within the United States. The Commission shall include in the comparison under this subsection--

(A) a geographically diverse selection of countries; and

(B) communities including the capital cities of such countries.

(3) SIMILARITIES AND DIFFERENCES- The Commission shall identify relevant similarities and differences in each community, including their market structures, the number of competitors, the number of facilities-based providers, the types of technologies deployed by such providers, the applications and services those technologies enable, and the regulatory model under which broadband service capability is provided.

(d) Protection of Information- Except for the information provided to the public by the Commission in its annual report pursuant to subsection (a)(4), nothing in this section shall reduce or remove any obligation the Commission has to protect proprietary information, nor shall this section be construed to compel the Commission to make publicly available any proprietary information. Any information collected by the Commission pursuant to subsection (a)(3) that reveals any competitively sensitive information of an individual provider of broadband service capability shall not be disclosed by the Commission under subsection (a)(4) or otherwise.

(e) Regulations- The Commission shall, within 180 days after the date of the enactment of this Act, promulgate regulations to implement this section.

(f) Enforcement Authority- The Commission shall enforce this section as if such section was a part of the Communications Act of 1934. For the purpose of this section, any violations of this section, or any regulations promulgated under this section, shall be considered to be a violation of the Communications Act of 1934 or a regulation promulgated under that Act, respectively.

### **SEC. 3. BROADBAND INVENTORY MAP.**

(a) Establishment- To provide a comprehensive nationwide inventory of existing broadband service capability and availability, the NTIA shall develop and maintain a broadband inventory map of the United States that identifies and depicts the geographic extent to which broadband

service capability is deployed and available from a commercial provider or public provider throughout each State.

(b) Information Shown- The broadband inventory map developed and maintained pursuant to this section shall be capable of identifying and depicting, nationwide, for each State, and for each county or parish of each State--

(1) each area encompassed by a United States postal zip code of 9 digit level, census tract level, or functional equivalent in which broadband service capability is deployed at that time, including--

(A) each commercial or public provider of broadband service capability within such area; and

(B) subject to subsection (f)(5)--

(i) each type of technology used to provide broadband service capability within such area; and

(ii) which bandwidth service tiers designated pursuant to section 2(a)(2) are available within such area for each provider of broadband service capability; and

(2) each area encompassed by a United States postal zip code of 9 digit level, census tract level, or functional equivalent in which broadband service capability is not deployed at that time.

(c) Data Use Encouraged- The NTIA shall--

(1) seek to overlay demographic data obtained from other sources in the Department of Commerce and elsewhere for use with such broadband inventory map; and

(2) make available such map, and the information on which it is based, to such other sources in the Department for demographic purposes, subject to section 7.

(d) Public Availability and Interactivity- Not later than 2 years after the date of the enactment of this Act, the NTIA shall make the broadband inventory map developed and maintained pursuant to this section accessible by the public on a World Wide Web site of the NTIA in a form that is interactive and searchable.

(e) Updating- The NTIA shall update the broadband inventory map developed and maintained pursuant to this section to ensure that the information provided by the broadband inventory map is timely and accurate.

(f) Obtaining Information-

(1) IN GENERAL- The NTIA shall request and obtain such information as may be necessary to carry out this section from the following:

(A) Eligible entities under section 4.

(B) The Commission.

(C) Commercial and public providers of broadband service capability.

(2) PRIORITY OF INFORMATION REQUESTS- If the NTIA has not otherwise obtained such information pursuant to paragraph (3), the NTIA shall--

(A) first request and try to obtain such information from such eligible entities before requesting and obtaining such information from the Commission; and

(B) only request such information from commercial and public providers of broadband service capability if such information cannot be obtained in a timely fashion from such eligible entities or the Commission.

(3) COMPATIBLE FORMAT- Such entities or such providers may elect to provide the NTIA with the information necessary for displaying a statewide map, provided that such map meets, at a minimum, the requirements of subsection (b) for that State and such information is in a format that NTIA is able to incorporate into the broadband inventory map required under this section. Nothing in this paragraph precludes such providers or any such entity, with agreement of the providers concerned, from providing to the NTIA, or using for its own purposes, more geographically-specific information than required by subsection (b).

(4) ADDITIONAL INFORMATION, INCLUDING WIFI HOTSPOTS- The NTIA shall also try to obtain accurate information from reliable publicly available sources about broadband service capability that is offered to the public but that is not provided by either a commercial provider or a public provider directly to the public.

(5) OPT-OUT BY PROVIDERS- Notwithstanding subsection (b)(1)(B), if a provider of broadband service capability requests that the map developed and maintained pursuant to this section shall not depict the information in clause (i) or (ii), or both, of such subsection for a particular area or areas, the NTIA shall comply with such request.

(g) Protection of Information- Except for the information provided to the public by the NTIA in subsection (d), nothing in this section shall reduce or remove any obligation the NTIA has to protect proprietary information, nor shall this section be construed to compel the NTIA to make publicly available any proprietary information. Notwithstanding any other provision of this section, any information obtained by NTIA pursuant to subsection (f) that reveals competitively sensitive information of an individual provider of broadband service capability shall not be disclosed by NTIA.

## **SEC. 4. GRANTS TO STATES FOR BROADBAND MAP DEVELOPMENT.**

(a) In General- The NTIA may, to the extent amounts are made available pursuant to section 10(b) for use under this section, make grants to an eligible entity to assist in providing the NTIA with information to facilitate the development of the broadband inventory map required under section 3.

(b) State Entity Application and Designation- An eligible entity in any State that seeks to obtain a grant under this section shall submit an application to the NTIA at such time, in such form, and containing such information and assurances as the NTIA may require.

(c) Use- Amounts from a grant under this section may be used only for costs involved in developing and obtaining information for the broadband inventory map required under section 3.

(d) Conditions-

(1) INFORMATION SHARING- As a condition of receipt of a grant under this section, the eligible entity shall agree to provide to the NTIA the information developed or obtained using such grant amounts and necessary for the broadband inventory map required under section 3.

(2) MATCHING REQUIREMENT- An eligible entity may not obtain a grant under this section to carry out the activities under this section unless such entity agrees to provide, from non-Federal funds, an amount equal to not less than 20 percent of the amount of the grant toward the costs of carrying out such activities.

(e) Grant Criteria- The NTIA shall select an eligible entity to receive a grant under this section based upon criteria that shall include--

(1) whether such entity requesting a grant is organized on a statewide basis and prepared to develop information for use by NTIA on a timely basis;

(2) the need of such entity for financial support, taking into account the financial support from State or other sources, to fulfill the objectives of this Act; and

(3) whether the denial of such entity's grant request would--

(A) result in the inability of such entity to develop information on a timely or comprehensive basis; and

(B) result in a gap in the information for that State or otherwise thwart the objectives of this Act.

(f) Regulations- The NTIA shall issue such regulations as may be necessary to carry out the functions assigned under this section.

(g) Eligible Entity- For the purposes of this section, the term 'eligible entity' for any State means--

- (1) an entity that is either--
  - (A) an agency or instrumentality of that State, or a municipality or other subdivision (or agency or instrumentality of a municipality or other subdivision) of that State; or
  - (B) a nonprofit organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and that is exempt from taxation under section 501(a) of such Code; and
- (2) the entity is the single eligible entity in such State that has been designated by the State to receive a grant under this section.

## **SEC. 5. GRANTS FOR DEMAND-SIDE BROADBAND SERVICE IDENTIFICATION AND ASSESSMENTS.**

- (a) Grant Authority- From the amounts appropriated under section 10(c), the NTIA shall establish a grant program to create and facilitate the work of local technology planning entities that represent a broad cross-section of their community, including representatives of business, telecommunications labor organizations, consumer organizations, elementary and secondary education, health care providers, libraries, higher education, community-based organizations, tribal organizations, and local government.
- (b) State Entity Application and Designation- Each eligible planning entity in any State that seeks to obtain a grant under this section shall submit an application to the NTIA at such time, in such form, and containing such information and assurances as the NTIA may require. Such application shall contain a demonstration that--
  - (1) the entity is an eligible planning entity; and
  - (2) the eligible planning entity--
    - (A) is the single eligible planning entity in such State that has been designated by the State for an exclusive geographic area within the State to receive a grant under this section; or
    - (B) is the single eligible planning entity that is designated by the governing body of an Indian tribe to receive a grant under this section.
- (c) Use of Funds- Amounts from a grant under this section shall be used to assist an eligible planning entity to--
  - (1) assess the current use of broadband service capability across relevant community sectors;
  - (2) set goals for improving or maximizing such use within each sector;

- (3) develop a plan for achieving the eligible planning entity's goals, with specific recommendations for identifying and spurring demand for such capability;
  - (4) collaborate with providers of broadband service capability and other high technology companies to encourage the deployment and use of broadband service capability in unserved and underserved areas;
  - (5) identify local demand for broadband service capability and aggregate such demand;
  - (6) establish programs, but not acquire equipment or facilities, to improve computer ownership and Internet access for unserved and underserved populations; and
  - (7) facilitate the exchange of information regarding the use and demand for broadband service capability between the public and private sectors.
- (d) Prohibition- Funds made available by a grant under this section shall not be used for the provision of broadband service capability or the acquisition of equipment or facilities for such capability, except that this prohibition shall not prohibit an eligible planning entity's use of such funds to acquire broadband service capability or equipment or facilities for such capability for use by such entity in its own conduct of planning activities.
- (e) Regulations- The NTIA shall issue such regulations as may be necessary to carry out the functions assigned under this section.
- (f) Eligible Planning Entity- For the purposes of this section, the term 'eligible planning entity' for any State means--
- (1) an agency or instrumentality of that State, a municipality or other subdivision (or agency or instrumentality of a municipality or other subdivision) of that State, or an Indian tribe; or
  - (2) a nonprofit organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and that is exempt from taxation under section 501(a) of such Code.

## **SEC. 6. CONSUMER SURVEY OF BROADBAND SERVICE CAPABILITY.**

- (a) Authority- For the purpose of evaluating, on a statistically significant basis, the national characteristics of the use of broadband service capability, the Commission shall conduct and make public periodic surveys of consumers in urban, suburban, and rural areas in the large business, small business, and residential consumer markets to determine the following:
- (1) The types of technology used to provide the broadband service capability to which consumers subscribe.



- (2) The amounts consumers pay per month for such capability.
  - (3) The actual data transmission speeds of such capability.
  - (4) The types of applications and services consumers most frequently use in conjunction with such capability.
  - (5) For consumers who have declined to subscribe to broadband service capability, the reasons given by such consumers for declining such capability.
  - (6) Other sources of broadband service capability which consumers regularly use or on which they rely.
  - (7) Any other information the Commission deems appropriate for such purpose.
- (b) Public Availability- The Commission shall make publicly available the results of surveys conducted under this section at least once per year.

## **SEC. 7. CONFIDENTIALITY OF CONSUMER INFORMATION.**

- (a) In General- The Commission shall, within 180 days after the date of the enactment of this Act, promulgate regulations--
- (1) to protect the confidentiality of personal consumer information collected for the purposes of this Act;
  - (2) to require the Commission, the NTIA, and each other entity that collects or controls such information for the purposes of this Act (including any eligible entity under section 4, eligible planning entity designated under section 5(b)(2), and commercial and public provider of broadband service capability) to protect the confidentiality of such information; and
  - (3) to permit such information to be disclosed by such entities only to the extent consistent with the provisions and for the purposes of this Act, or with the prior express authorization of the consumer to whom it pertains.
- (b) Limitation- The regulations promulgated under subsection (a) shall not preclude the ability of any consumer or other person or entity to search, by individual street address, the broadband inventory map developed and maintained pursuant to section 3, or any of the individual State maps that may compose it.

## **SEC. 8. STATE OR LOCAL AUTHORITY.**

Except as provided in section 7, nothing in this Act shall be construed to expand or limit the authority of States, Indian tribes, or units of local government to compel the collection of information.

## **SEC. 9. SUNSET PROVISIONS.**

(a) Broadband Deployment Information & Consumer Survey- Sections 2 and 6 shall cease to be effective after the end of the 6-year period beginning on the date of the enactment of this Act.

(b) Broadband Inventory Map- Section 3 shall cease to be effective after the end of the 7-year period beginning on the date of enactment of this Act.

## **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

(a) In General- There is authorized to be appropriated to carry out sections 3 and 4 of this Act--

(1) \$20,000,000 for fiscal year 2008;

(2) \$20,000,000 for fiscal year 2009; and

(3) \$20,000,000 for fiscal year 2010.

(b) Broadband Map Information Development Grants- Of any amounts appropriated in each fiscal year pursuant to subsection (a), not less than \$15,000,000 shall be available only for grants under section 4.

(c) Local Technology Planning Grants- In addition to the amount appropriated under subsection (a), there is authorized to be appropriated to make grants under section 5--

(1) \$50,000,000 for fiscal year 2008;

(2) \$100,000,000 for fiscal year 2009; and

(3) \$125,000,000 for fiscal year 2010.

## **SEC. 11. DEFINITIONS.**

For the purposes of this Act, the following definitions shall apply:

(1) BROADBAND SERVICE CAPABILITY- The term `broadband service capability' means an Internet Protocol-based transmission service that is offered to end users to enable such end users to send and receive voice, video, data, graphics, or a combination, to or from the Internet without regard to any transmission media or technology.

(2) COMMISSION- The term `Commission' means the Federal Communications Commission.

(3) INDIAN TRIBE- The term `Indian tribe' has the meaning given in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(4) NTIA- The term `NTIA' means the National Telecommunications and Information Administration of the Department of Commerce.

(5) PERSONAL CONSUMER INFORMATION- The term `personal consumer information'--

(A) means information that allows a human being to be identified individually;

(B) includes the following information with respect to an individual--

(i) the first and last name;

(ii) a home or physical address;

(iii) a date or place of birth;

(iv) an email address or a telephone number;

(v) a Social Security account number, tax identification number, birth certificate number, passport number, driver's license number, or any other any government-issued identification number; or

(vi) a credit card number or bank account or card number; and

(C) does not include any record of aggregate information that does not permit the identification of particular individuals.

(6) PROVIDER-

(A) PUBLIC PROVIDER- The term `public' when used with respect to a provider of broadband service capability means a provider that is an agency or instrumentality of a State, or a municipality or other subdivision (or agency or instrumentality of a municipality or other subdivision) of a State, regardless of the facilities used.

(B) COMMERCIAL PROVIDER- The term `commercial' when used with respect to a provider of broadband service capability means a provider that offers broadband service capability for a fee, or on an advertising-supported basis, directly to the public or to such classes of users as to be effectively available to the public, regardless of the facilities used.

(7) STATE- The term `State' means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, the Northern Mariana Islands, and any other territory and possession of the United States.

Passed the House of Representatives November 13, 2007.

Attest:

LORRAINE C. MILLER,

Clerk.

*END*